

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LARRY DOUGLAS STOVALL,

Plaintiff,

v.

ED GOLLA, *et al.*,

Defendants.

Case No. C07-5072 FDB/KLS

ORDER DENYING MOTION TO
STAY PROCEEDINGS

Presently before the Court is Plaintiff's motion and affidavit requesting a stay of these proceedings until after his release from custody in February 22, 2008. (Dkt. # 34). Plaintiff maintains that the stay is necessary as he is not being provided sufficient carbon paper. (*Id.*). For the reasons set forth below, Plaintiff's motion shall be denied.

DISCUSSION

On May 14, 2007 Defendants filed their motion to dismiss, alleging that Plaintiff's complaint should be dismissed because Plaintiff failed to exhaust his administrative remedies, failed to state a claim, and that the Defendants are entitled to sovereign and qualified immunity. (Dkt. # 21). On May 30, 2007, Plaintiff requested a continuance claiming that the DOC had refused to make timely copies of "several pleadings" on May 29, 2007. (Dkt. # 22). On June 7, 2007, Plaintiff filed a second request for continuance, requesting an additional 21 days. (Dkt. # 23).

1 Plaintiff claimed that on June 4, 2007 he had his legal pleadings reviewed and he needed extra time
2 to correct defects in his pleadings. (*Id.*). The Court granted the request for a continuance, giving
3 Plaintiff until July 23, 2007 to file his response. (Dkt. # 26).

4 On July 23, 2007, Plaintiff filed another request for continuance. (Dkt. # 28). With this
5 request, Plaintiff submitted a declaration of an inmate law clerk, who stated that he was willing to
6 help Mr. Stovall amend his complaint and respond to the Defendants' motion to dismiss, if Mr.
7 Stovall was granted another 30 day extension. (Dkt. # 29). The Court granted this continuance and
8 gave Plaintiff until August 24, 2007 to file his response. (Dkt. # 31).

9 Plaintiff did not file a response on August 24, 2007. On August 29, 2007, Plaintiff filed
10 another request for continuance claiming he needed more time to get copies made and file his
11 response, a motion to amend, and an amended complaint. (Dkt. # 32). The Court granted Plaintiff
12 an additional extension until September 24, 2007 to file his response. (Dkt. # 33). In granting this
13 last continuance, the Court stated "[t]here shall be no further extensions of this deadline." (*Id.*)
14 (emphasis in original.)
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16 On September 21, 2007, Plaintiff filed a Motion and Affidavit Requesting an Order to Stay
17 the Proceedings until February 22, 2008. (Dkt. # 34). In his Motion, Plaintiff asserts that he is not
18 being provided sufficient carbon paper and therefore, would like the Court to stay the matter until
19 he is released in early 2008. (*Id.*).

20 Defendants argue that Plaintiff is not entitled to yet another continuance as there are no set
21 of facts that Plaintiff could present to support his claim of violation of access to the Courts, and
22 Plaintiff has not been deprived of copies or carbon paper. In support, Defendants provide the
23 Declarations of Jada Pollock, Office Assistant Secretary, Warren Pratt, Supervisor of Offender
24 Store, and Seri Izatt, Administrative Assistant. (Dkt. # 36, Exh. 1-3). Because the Court agrees that
25

1 Plaintiff has had ample time to submit his response, it does not find it necessary to analyze the
2 merits of Plaintiff's claims.

3 Under DOC policy, Plaintiff has the ability to obtain copies through his classification
4 counselor. (Dkt. # 36, Exh. 1). He also has the ability to purchase 10 sheets of carbon paper for
5 .94¢ from the offender store, or can receive free carbon paper from the law library one piece at a
6 time. (*Id.*, Exh. 2; Exh. 3). Plaintiff has access to carbon paper, and has not been denied the ability
7 to obtain legal copies. (*Id.*, Exhs. 1-3).

8 Plaintiff has claimed that he has been unable to make copies of documents and therefore, has
9 needed more time to file his response. (*See, e.g.*, Dkt. # 22, 23, 28, 32 and 34). The foregoing
10 declarations indicate, however that Plaintiff has access to carbon paper and has not been denied the
11 ability to obtain legal copies. Although Plaintiff makes vague references to staff misconduct and to
12 undated incidents when he was unable to make copies or obtain carbon copies (*see* Dkt. # 38),
13 Plaintiff has, nonetheless, been able to generate and file seven separate pleadings requesting
14 additional time to file his response in this matter. (*See* Dkt. # 35; 34; 32; 28; 27, 23, 22).

16 In addition, Plaintiff was given over three months' extension to respond to Defendants'
17 motion to dismiss. The Court finds that he has been given ample opportunity to prepare and submit
18 his response.

19 Accordingly, Plaintiff's request for a stay (Dkt. # 34) is **DENIED**. The Clerk is directed to
20 send copies of this order to Plaintiff and counsel for Defendants.

21 DATED this 20th day of November, 2007.

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23 Karen L. Strombom
24 United States Magistrate Judge
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